

1 **Rebecca A. Caley** (CA Bar No. 131997)
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6 Attorneys for Plaintiff,
7 Mercedes-Benz Financial Services
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9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 Santa Rosa Division
12

13 In re	)	Case No. 11-13214-AJ 7
14 Dean Gregory Asimos,	)	Chapter 7
15	)	Adv. Case No. 14-01017-AJ
16 Debtor.)	
17 _____	)	DECLARATION OF REBECCA A.
18 Mercedes-Benz Financial Services USA	)	CALEY IN SUPPORT OF
19 LLC, fka DCFS USA LLC,	)	PLAINTIFF'S OPPOSITION TO
20 Plaintiff,	)	DEFENDANT'S MOTION TO
21 v.	)	VACATE CLERK'S ENTRY OF
22 Dean Gregory Asimos,	)	DEFAULT
23 Defendant.)	
24 _____	)	DATE: May 23, 2014
	)	TIME: 10:00 a.m.
	)	CTRM: Hon. Alan Jaroslovsky
	)	99 South "E" Street
	)	Santa Rosa, CA 95404

24 I, REBECCA A. CALEY, declare as follows:

25 1. I am an attorney duly licensed to practice law before this court and all the
26 courts for the State of California and am the principal of the law firm of Caley &
27 Associates, the attorneys of record for plaintiff Mercedes-Benz Financial Services USA
28 LLC, formerly known as DCFS USA LLC ("Plaintiff"). I am the attorney assigned

1 primary responsibility for this case and am therefore the most qualified person to make
2 this declaration on behalf of this office. I am an individual over the age of 18 years,
3 with personal knowledge of the facts set forth herein and if called as a witness, I could
4 and would competently testify hereto.


5 2. On or about April 16, 2014, my office received Notice of Hearing of
6 defendant Dean Gregory Asimos' ("Defendant") Motion to Vacate Clerk's Entry of
7 Default in the above-entitled adversary action. The notice states that any opposition
8 shall be served on all parties and filed with the court at least seven (7) calendar days
9 prior to the hearing date. A true and correct copy of the Notice of Hearing is attached
10 hereto marked as **Exhibit "1"** and incorporated herein by this reference.

11 3. On or about May 6, 2014, my office received a Notice of Change of
12 Address for Defendant's counsel, Sagaria Law, P.C.

13 4. On May 7, 2014 and twice on May 8, 2014, I telephoned Defendant's
14 counsel, Joe Angelo of Sagaria Law, P.C. and left a message for him that the Notice of
15 Hearing was defective and invited him to call me to discuss the merits of the case.
16 However, to date, I have not received a return call from him.

17 I declare under penalty of perjury under the laws of the United States of America
18 that the foregoing is true and correct.

19 Executed this 9th day of May, 2014, at Brea, California.

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22 _____
23 Rebecca A. Caley
24 Declarant
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SCOTT J. SAGARIA (BAR # 217981)
JOE ANGELO (BAR # 268542)
SAGARIA LAW, P.C.
333 West San Carlos Street, Suite 620
San Jose, CA 95110
408-279-2288 ph
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Attorney for Debtor/Defendant

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – DIVISION 1

In Re:

DEAN ASIMOS,

Debtor.

Case No.: 11-13214-AJ

Adv. No. 14-01017-AJ

Chapter 7

NOTICE OF HEARING

Mercedes-Benz Financial Services USA LLC,
fka DCFS USA LLC,

Plaintiff,

v.

Dean Asimos,

Defendant

Date: May 23, 2014
Time: 10:00am
Judge: Hon. Judge Jaroslovsky
Location: 99 South "E" Street
Santa Rosa, CA 95404

To the United States Bankruptcy Court, the Honorable Judge Jaroslovsky, the
United States Trustee, Mercedes-Benz Financial Services USA LLC, fka DCFS USA
LLC, and all other interested parties:

NOTICE IS HEREBY GIVEN that on May 23, 2014, at 10:00 a.m. or as soon
thereafter as the matter may be heard in the courtroom of Hon. Judge Jaroslovsky of the above-

NOTICE -1-

EXHIBIT "1"

1 referenced court located at 99 South "E" Street Santa Rosa, CA 95404, debtor/defendant Dean
2 Asimos (hereinafter "Defendant") will move this Court for an Order vacating the entry of
3 default conditionally entered against Defendant.

4 This matter is being heard on a notice time of twenty-eight (28) days or greater. Any
5 opposition to this motion, if necessary, shall be in writing and shall be served on all parties and
6 filed with the court by the responding party at least seven (7) calendar days prior to the date, or
7 continued date, of the hearing. Opposition shall be accompanied by evidence establishing
8 factual allegations. Without good cause, no party shall be heard in opposition to the hearing at
9 oral argument if written opposition to the motion has not been timely filed.

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11 **SAGARIA LAW, P.C.**

12 Dated: April 14, 2014

13 By: /s/ Joe Angelo
14 Joe Angelo
15 Attorney for Debtor/Defendant
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